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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,144	06/14/2002	Parkson Wu	8101-US-PA	3240
31561	7590	04/19/2005	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			D AGOSTA, STEPHEN M	
		ART UNIT	PAPER NUMBER	
		2683		
DATE MAILED: 04/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/064,144	WU, PARKSON
	<b>Examiner</b>	<b>Art Unit</b>
	Stephen M. D'Agosta	2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. The primary examiner has added new art to better reject the applicant's amended claims regarding the stand-alone unit having its own battery/power source. Bloomfield teaches a stand-alone voice amplification system having its own battery.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6, 8-13 and 15** rejected under 35 U.S.C. 103(a) as being unpatentable over Zurek et al. US 6,636,750 and further in view of Marui et al. US 5,367,556 and Bloomfield US 5,224,473 (hereafter Zurek and Marui/Bloomfield).

As per **claim 1**, Zurek teaches a hands-free amplifier for a hand-held communications device having a connector thereon, the hands-free amplifier (title, abstract) comprising of:

A main body (figure 1, shows cell phone #102 connecting to main body of hand-free device, #100);

A substrate board inside the main body, wherein the substrate board has a signal connector with an opening end of the main body suitable for engaging with a connector on a hand-held communications device (figure 1 shows cell phone connector #120 and dashed line that connects to opening/connector in main body #144);

A voice amplifier inside the main body, wherein the voice amplifier and the substrate board are electrically connected to transmit signals (figure 2 shows electrical diagrams of cell phone #102 and hands-free device #100, all electrical components on the hands-free device are electrically connected in the main body and a voice amplifier is used for receive/transmit, C3, L43-67 teaches amplifier/amplification of voice signals);

A voice receiver inside the main body, wherein the voice receiver and the substrate board are electrically connected to transmit signals (figure 3 shows a microphone #224 to receive voice signals which is connected to the control board #220 and the cell phone #102 via dashed line connection via connectors, #144 and #120), **but is silent on**

A power source inside the main body wherein the power source is electrically connected to the substrate board inside the main body to provide electrical power for driving the substrate board.

Marui teaches a radio phone with adaptor unit having hands-free circuit (title, abstract) that provides a connection to the cell phone to allow hands-free usage. The adaptor circuit is separated into two "units", one being a hands-free circuit and one being a battery pack (see figure 1, #70 and #100). The examiner interprets the outboard battery pack as reading on the claim since it is not part of the phone and provides power to the hands-free device via connectors T31-32, T21-22 and T11-12. Hence one skilled would view the combined hands-free circuit and battery pack as one virtual device since the phone operates independently from them.

Bloomfield teaches a outboard device which is attached to a mask (with voice communications means) that detects and amplifies voice sounds and contains an internal battery pack (abstract, figure 6 and C3, L30 to C4, L7). Hence one skilled would use this device for attaching to other devices to provide voice amplification means with self-contained battery power, such as a cellphone.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek, such that a power source is inside the main body and is electrically connected to the substrate board inside the main body to provide electrical power for driving the substrate board, to provide means for powering the amplifier so it doesn't have to have its own cumbersome power source.

As per **claim 2**, Zurek in view of Marui/Bloomfield teaches claim 1 wherein the voice amplifier includes a loudspeaker (figure 2, #222).

As per **claim 3**, Zurek in view of Marui/Bloomfield teaches claim 1 wherein the voice receiver includes a microphone (figure 2, #224).

As per **claim 4**, Zurek in view of Marui/Bloomfield teaches claim 1 **but is silent on** wherein the power source includes a replaceable battery pack.

Maurui teaches an attachable/detachable (eg. replaceable) battery pack (figure 1, #100).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek in view of Marui/Bloomfield , such that the power source includes a replaceable battery pack, to provide means for swapping in/out a good battery for a bad one.

As per **claim 5**, Zurek in view of Marui/Bloomfield teaches claim 1 wherein **but is silent on** wherein the power source includes a rechargeable battery pack.

The examiner takes Official Notice that rechargeable battery packs are known in the art and would be used by one skilled to ensure that the replaceable battery pack is always fully charged to provide hands-free cell phone operation when needed.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek in view of Marui/Bloomfield , such that the power source is a rechargeable battery pack, to provide means for recharging the batteries after they drain from use.

As per **claim 6**, Zurek in view of Marui/Bloomfield teaches claim 1 wherein the hand-held communication device is a mobile phone (abstract and figure 1, #102 show a mobile/cell phone).

As per **claim 8**, Zurek in view of Marui/Bloomfield teaches claim 1 **but is silent on** wherein the power source includes a battery pack having at least one battery.

Marui teaches a battery pack (figure 1, #100) that is interpreted to be comprised of either one battery or multiple batteries.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek in view of Marui/Bloomfield, such that the power source includes a battery pack having at least one battery, to provide means for adequate battery power via one or more batteries.

As per **claim 9**, Zurek teaches a hands-free amplifier for a hand-held communications device having a connector thereon, the hands-free amplifier (title, abstract) comprising of:

A main body (figure 1, shows cell phone #102 connecting to main body of hand-free device, #100);

A substrate board inside the main body, wherein the substrate board has a signal connector with an opening end of the main body suitable for engaging with a connector on a hand-held communications device (figure 1 shows cell phone connector #120 and dashed line that connects to opening/connector in main body #144);

A voice receiving device inside the main body, wherein the voice receiver and the substrate board are electrically connected to transmit signals (figure 3 shows a microphone #224 to receive voice signals which is connected to the control board #220 and the cell phone #102 via dashed line connection via connectors, #144 and #120),

A voice amplifying device inside the main body, wherein the voice amplifier and the substrate board are electrically connected to transmit signals (figure 2 shows electrical diagrams of cell phone #102 and hands-free device #100, all electrical components on the hands-free device are electrically connected in the main body and a voice amplifier is used for receive/transmit, C3, L43-67 teaches amplifier/amplification of voice signals);  
**but is silent on**

A power source inside the main body wherein the power source is electrically connected to the substrate board inside the main body to provide electrical power for driving the substrate board.

Marui teaches a radio phone with adaptor unit having hands-free circuit (title, abstract) that provides a connection to the cell phone to allow hands-free usage. The adaptor circuit is separated into two "units", one being a hands-free circuit and one being a battery pack (see figure 1, #70 and #100). The examiner interprets the outboard battery pack as reading on the claim since it is not part of the phone and provides power to the hands-free device via connectors T31-32, T21-22 and T11-12. Hence one skilled would view the combined hands-free circuit and battery pack as one virtual device since the phone operates independently from them.

Bloomfield teaches a outboard device which is attached to a mask (with voice communications means) that detects and amplifies voice sounds and contains an internal battery pack (abstract, figure 6 and C3, L30 to C4, L7). Hence one skilled would use this device for attaching to other devices to provide voice amplification means with self-contained battery power, such as a cellphone.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek, such that a power source is inside the main body and is electrically connected to the substrate board inside the main body to provide electrical power for driving the substrate board, to provide means for powering the amplifier so it doesn't have to have its own cumbersome power source.

As per **claim 10**, Zurek in view of Marui/Bloomfield teaches claim 9 wherein the voice receiving/amplifying device includes a loudspeaker (figure 2, #222) having both voice-amplifying and voice-receiving capabilities (eg. microphone - figure 2, #224). The examiner notes that Howes, included but not cited, discloses a similar embodiment that can employ either a separate microphone and a separate speaker, or a combined microphone/speaker assembly, as is well known in the art (C4, L4-16).

As per **claim 11**, Zurek in view of Marui/Bloomfield teaches claim 9 **but is silent on** wherein the power source includes a replaceable battery pack.

Maurui teaches an attachable/detachable (eg. replaceable) battery pack (figure 1, #100).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek in view of Marui/Bloomfield , such that the power source includes a replaceable battery pack, to provide means for swapping in/out a good battery for a bad one.

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As per **claim 12**, Zurek in view of Marui/Bloomfield teaches claim 9 wherein **but is silent on** wherein the power source includes a rechargeable battery pack.

The examiner takes Official Notice that rechargeable battery packs are known in the art and would be used by one skilled to ensure that the replaceable battery pack is always fully charged to provide hands-free cell phone operation when needed.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek in view of Marui/Bloomfield , such that the power source is a rechargeable battery pack, to provide means for recharging the batteries after they drain from use.

As per **claim 13**, Zurek in view of Marui/Bloomfield teaches claim 9 wherein the hand-held communication device is a mobile phone (abstract and figure 1, #102 show a mobile/cell phone).

As per **claim 15**, Zurek in view of Marui/Bloomfield teaches claim 9 **but is silent on** wherein the power source includes a battery pack having at least one battery.

Marui teaches a battery pack (figure 1, #100) that is interpreted to be comprised of either one battery or multiple batteries.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek in view of Marui/Bloomfield , such that the power source includes a battery pack having at least one battery, to provide means for adequate battery power via one or more batteries.

**Claims 7 and 14** rejected under 35 U.S.C. 103(a) as being unpatentable over Zurek and Marui/Bloomfield as applied to claim 9 above, and further in view of Son et al. US 6,212,408 (hereafter Son)

As per **claim 7**, Zurek in view of Marui/Bloomfield teaches claim 1 **but is silent on** wherein the substrate board further includes a voice control circuit for controlling the reception of the voice receiver and the transmission of the voice amplifier and adjusting voice volume.

Son teaches a voice command system/method (title) for a communications device that accepts voice commands (abstract). The voice commands that may be included in an example implementation can include voice commands for standard keypad entries, as well as voice commands to operate the communication device and its features. For example, commands for operation of the device may include commands to answer or ignore an incoming call; commands to dial an outgoing call, commands to adjust the volume at the handset or of the speaker; commands to access a directory, calendar, or other feature within the phone; and so on. Commands for standard keypad entry can include, for example, voice commands to "dial" or effectively depress certain keys or key sequences, resulting in the generation of the corresponding DTMF tones. Key sequence commands can also be used for local control of the communication device, and in this scenario do not need to result in generation of DTMF

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tones (C6, L6 to C7, L23 and figure 7). Son teaches many different commands being recognized and the examiner interprets that Son can provide virtually any command to be recognized for enablement which reads on "a voice control circuit for controlling the reception of the voice receiver and the transmission of the voice amplifier and adjusting voice volume".

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek in view of Marui/Bloomfield, such that the substrate board further includes a voice control circuit for controlling the reception of the voice receiver and the transmission of the voice amplifier and adjusting voice volume, to provide means for controlling operational features of the device to the user's liking.

As per **claim 14**, Zurek in view of Marui/Bloomfield teaches claim 9 **but is silent on** wherein the substrate board further includes a voice control circuit for controlling the reception of the voice receiver and the transmission of the voice amplifier and adjusting voice volume.

Son teaches a voice command system/method (title) for a communications device that accepts voice commands (abstract). The voice commands that may be included in an example implementation can include voice commands for standard keypad entries, as well as voice commands to operate the communication device and its features. For example, commands for operation of the device may include commands to answer or ignore an incoming call; commands to dial an outgoing call, commands to adjust the volume at the handset or of the speaker; commands to access a directory, calendar, or other feature within the phone; and so on. Commands for standard keypad entry can include, for example, voice commands to "dial" or effectively depress certain keys or key sequences, resulting in the generation of the corresponding DTMF tones. Key sequence commands can also be used for local control of the communication device, and in this scenario do not need to result in generation of DTMF tones (C6, L6 to C7, L23 and figure 7). Son teaches many different commands being recognized and the examiner interprets that Son can provide virtually any command to be recognized for enablement which reads on "a voice control circuit for controlling the reception of the voice receiver and the transmission of the voice amplifier and adjusting voice volume".

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Zurek in view of Marui/Bloomfield, such that the substrate board further includes a voice control circuit for controlling the reception of the voice receiver and the transmission of the voice amplifier and adjusting voice volume, to provide means for controlling operational features of the device to the user's liking.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
PRIMARY EXAMINER  
4-8-05

